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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,903	03/31/2004	Chih-Chuan Cheng	CEIP0052USA	2902
27765	7590	07/20/2007		
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION			EXAMINER	
P.O. BOX 506			PATEL, ANAND B	
MERRIFIELD, VA 22116			ART UNIT	PAPER NUMBER
			2116	
			NOTIFICATION DATE	DELIVERY MODE
			07/20/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

Application No.

10/708,903

Applicant(s)

CHENG ET AL.

Examiner

Anand Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 34-42 is/are pending in the application.
- 4a) Of the above claim(s) 34-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Amendment filed 5/23/07 has been entered and as such claims 34-42 are added.

#### *Election/Restrictions*

2. Newly submitted claims 34-42 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the newly submitted claims deal with a method of booting a computer (class 713, subclass 1), separate and distinct from original claims 1-11, which deal with computer power control (class 713, subclass 300).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 34-42 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 7, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taiwanese Publication No 485283 to Xie et al (hereinafter Xie) in view of US Patent No 5317309 to Vercellotti et al (hereinafter Vercellotti).

- As per claim 1, Xie discloses a computer system comprising:
  - An identification device (42) comprising:

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- Emitting a radio user signal (page 6, lines 8-13) with an identification code (figure 6, step 2); and
- A host (40) comprising:
  - A processing module (12) for controlling operation of the host;
  - Receiving (inherent given figure 6, step 2; 44) the user signal;
  - A power supply (56) for supplying power to the processing module while receiving a power control signal (figures 3, 6); and
  - A control module (54) electrically connected to the power supply (figure 4);
  - Wherein before the power supply supplies power to the processing module, the control module is capable of checking whether the identification code within the user signal matches a predetermined identification code as the second wireless module receives the user signal; if the identification code within the user signal matches the predetermined identification code, the control module is capable of transmitting the power control signal to the power supply (figures 3, 6; page 5, lines 5-19; page 7, line 8 – page 8, line 6).

Xie fails to disclose specifics of the identification device and the host. Vercellotti teaches a first wireless module for receiving a radio identification signal and then emitting a radio user signal (column 3, lines 37-40; column 4, lines 38-48). Vercellotti also teaches a second wireless module for emitting the radio identification signal (column 3, lines 28-37). An advantage of the system taught by Vercellotti is the ability to secure a system at low cost (column 2, lines 8-12). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Xie with the wireless modules as taught by Vercellotti. Motivation to modify is to cut costs and improve reliability in a secure system.

- As per claim 2, Xie discloses the system wherein the identification device comprises a battery (30) for supplying power to the identification device.

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- As per claim 3, Xie discloses the system wherein the identification device further comprises a memory (34) for storing the identification code (36).
- As per claim 7, Xie discloses the system wherein the identification code is the ID of the identification device or a password (36).
- As per claim 9, Xie discloses the system wherein the identification device regularly emits the user signal via the first wireless module with a predetermined period, and the host receives the user signal via the second wireless module based on the predetermined period to determine the location of the identification device (page 5, lines 1-4).

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Xie in view of Vercellotti and US Patent No 6686830 to Schirtzer.

- As per claim 8, Xie discloses an identification code (36) in an identification device (42). Xie and Vercellotti fail to disclose modifying the identification code of the identification device. Schirtzer teaches an input interface (164) for receiving input data (column 5, line 67 – column 6, line 3); wherein the predetermined data is capable of being modified through the use of the input interface, and the data stored in the device is capable of being modified in a wireless way via the second wireless module of the host (column 4, lines 44-58). An advantage of the system taught by Schirtzer is the ability to improve radio frequency transceiver reliability (column 3, lines 1-14). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Xie and Vercellotti with the data modification as taught by Schirtzer. Motivation to modify is to improve system reliability and efficiency.

6. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xie in view of Vercellotti and US Patent No 6944425 to Fallenstein.

- As per claim 10, Xie and Vercellotti fail to disclose the communication protocol being the Bluetooth communication protocol. Fallenstein teaches a wireless communication protocol being

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Bluetooth (column 4, lines 38-45). An advantage of the system taught by Fallenstein is the ability to improve security in an electronic system (column 1, lines 38-57). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Xie and Vercellotti with the Bluetooth communication protocol as taught by Fallenstein. Motivation to modify is to further improve system security and reliability.

- As per claim 11, Fallenstein teaches a wireless communication protocol being 802.11x (column 4, lines 38-45)

#### *Allowable Subject Matter*

7. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Response to Arguments*

8. Applicant's arguments filed 5/23/07 have been fully considered but they are not persuasive.

9. Applicant argues that since Xie and Vercellotti neither perform the same function, overlap subject matter, nor are obvious variants, they cannot be combined in the 35 U.S.C. 103 rejection discussed above.

Applicant points to the restriction requirement filed 12/6/06 as evidence for this line of reasoning.

Examiner disagrees. The references used to reject an applicant's invention must be either in the filed of applicant's endeavor or be reasonably pertinent to the particular problem with which the inventor is concerned (MPEP 2141.03(a)). Examiner believes that the former condition is met by the two references used in the 103 rejections above. Both Xie and Vercellotti deal with user identification signals that are used to control certain aspects of a computer system. Thus the references are considered analogous art

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and one of ordinary skill in the art at the time of invention would have been able to rely on their teachings to make obvious the instant invention.

### *Conclusion*

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Patel whose telephone number is (571) 272-7211. The examiner can normally be reached on Mon-Fri 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on (571) 272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ABP

  
REHANA PERVEEN  
SUPERVISORY PATENT EXAMINER  
7/16/07